

Application No.: 10/074,617

Docket No.: V9661.0027

**REMARKS**

Claims 1 to 30 are in the case. Claim 8 was amended to advance the prosecution of the application. Reconsideration of the subject application in view of the above amendment and the following remarks is hereby respectfully requested.

Claims 10-25, 28, and 29 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent 6,375,622. In response to this rejection, applicants will timely submit a terminal disclaimer when the rest of the rejections/objection are overcome.

Claim 8 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, applicants amended claim 8 to provide the proper antecedent basis for the term "the second sensory signal." In view of the amendment, the subject rejection is believed to be overcome.

Claims 10, 11, 13, 14, 16, 17, and 20-28 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,447,167 to *Fleischaker* for reasons set forth on page 3 of the Office action. This rejection is respectfully traversed.

The claimed invention is directed to the treatment of a user's health condition by using the change in a sensory signal measured when the user is engaging in an activity. In the claimed invention, the change of the sensory signal is used to regulate the user's activity to thereby treat the user's healthy condition and achieve a therapeutic result. Claim 10 also recites that determining a sensory signal for use to treat the user's health condition.

*Fleischaker* discloses a pressure threshold sensor for sensing when hand pressure applied to a hand held implement exceeds a desired level. The pressure sensor in *Fleischaker* is disclosed to alert a user having impaired tactile sense (e.g., a person having the Hansen's Disease, also known as Leprosy) when the user grasps the hand held implement too tight or loose.

*Fleischaker*, however, does not discuss treating a health condition of the user. Nor does *Fleischaker* disclose to use the change of a sensory signal to regulate

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the user's activity to thereby treat the user's healthy condition and achieve a therapeutic result. The Hansen's Disease cannot be treated by *Fleischaker's* pressure sensor. Because *Fleischaker* does not disclose the claimed invention as remarked above, claims 10-11, 13-14, and 16-17, and 20-28 are not anticipated by *Fleischaker*. Accordingly, the subject rejection is believed to be overcome. The Examiner is thus respectfully requested to withdraw the same.

Claims 20, 21, 22, 23, 25, 29 and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,406,426 to *Reuss et al.* for reasons set forth on page 3 of the Office action. This rejection is respectfully traversed.

*Reuss et al.* discloses an integrated medical monitoring and alert system for monitoring a medical therapy delivered to a patient and patient physiological parameters. The medical monitoring system of *Reuss et al.* has a central monitoring system for monitoring the therapy and physiological status of the patients from a centralized monitoring location, one or more therapeutic devices for delivering a medical therapy to the patient, a local patient monitor for monitoring therapy and physiological parameters, and an integrated alert system for providing both patient physiological and therapy status data and alert condition data to remote caregivers.

Because *Reuss et al.* is directed to a system used for remotely monitoring one or more therapeutic devices (such as IV pumps, respirators, and patient/bed waning devices), *Reuss et al.* does not disclose the claimed invention. For example, *Reuss et al.* does not disclose to use the change of a sensory signal to regulate the user's activity to thereby treat the user's healthy condition as recited in the claimed invention. In case the Examiner decides to maintain his position with respect to *Reuss et al.* in the next Office action, applicants respectfully request that the Examiner kindly identify the relevant descriptions in *Reuss et al.* that disclose the claimed invention.

In view of the above, the subject rejection is believed to be overcome. The Examiner is thus respectfully requested to withdraw the same.

Claims 1-4, 6, 7, 9, 12, 15, 18, 19, 26, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fleischaker* for reasons set forth on pages 3 and 4 of the Office action. This rejection is respectfully traversed.

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Claim 1 recites a method of treating a health condition of a user. In the claimed invention, a graphic element is provided for the user to compose a graphic production comprising the graphic element. A sensory signal is determined for use to treat the user's health condition. The change of the sensory signal is measured while the user is composing the graphic production and is used to regulate the user's activities in composing the graphic production and thereby treat the user's health condition to achieve a therapeutic effect.

As discussed above, *Fleischaker* does not discuss using the change of the sensory signal to regulate the user's activity and to treat the user's healthy condition to thereby achieve a therapeutic result. Moreover, *Fleischaker* does not disclose providing a graphic element for the user to compose a graphic production and regulating such activity based on the sensory signal change. In contrast, *Fleischaker* discloses how to assist a user having impaired tactile sense to grasp a hand held implement properly. Therefore, claim 1 and its dependent claims 2-4, 6-7, and 9 are believed to patentably distinguish over *Fleischaker*.

Claims 12, 15, 18-19, and 26-27 depend from claims 10 and 20, which are believed to be allowable pursuant to a terminal disclaimer overcoming the pending double patent rejection. Moreover, *Fleischaker* does not disclose the handwriting activities or the graphic elements recited in the above claims. Thus, claims 12, 15, 18-19, and 26-27 are allowable for the same reasons that claims 10 and 20 are allowable.

Moreover, claims 7 and 27 each recite that the graphic element is selected from the group consisting of characters, alphabets, scripts, numerals, geometric units, non-linguistic forms, and any combination thereof. Applicants respectfully submit that these graphic elements have been empirically tested and found to affect a user's emotion, cognitive performance, or physiological conditions. In other words, the graphic elements recited in claims 7 and 27 are effective for treating one or more health and disease conditions of a user to thereby achieve a therapeutic result. *Fleischaker* does not teach or suggest using graphic elements recited in claim 7 and 27. Accordingly, claims 7 and 27 are also allowable for the above reasons.

In view of the above, applicants respectfully submit that the present invention recited in claims 1-4, 6, 7, 9, 12, 15, 18, 19, 26, and 27 is not obvious over *Fleischaker*.

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Therefore, the subject objection is believed to be overcome. The Examiner is thus respectfully requested to withdraw the same.

Claim 5 was objected to as being dependent up on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that because claim 1 is believed allowable in view of the above remarks, claim 5 is also believed to be allowable. Thus, the subject objection is believed to be overcome.


Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that because claim 1 is believed allowable in view of the above remarks, claim 8 as amended is also believed to be allowable.

In view of the above, applicants respectfully submit that all pending claims are believed to be in condition for allowance. In case the Examiner does not agree with applicants' arguments presented above, applicants respectfully request that the Examiner telephone the undersigned to discuss the remaining issues to expedite the ultimate allowance of this subject application.

No fee is believed to be due for this submission. Should any fee be required, please charge such fee to Deposit Account No. 50-2215.

Respectfully submitted,

Dated: February 19, 2004

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